

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2013-82
HOUSE BILL 480

AN ACT TO PROVIDE REGULATORY CERTAINTY FOR NORTH CAROLINA BY REQUIRING THE DEVELOPMENT OF MINIMUM DESIGN CRITERIA FOR STORMWATER PERMITS TO GUIDE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IN PERMIT ISSUANCE AND TO REFORM THE PERMITTING PROCESS TO ALLOW A FAST-TRACK PERMITTING PROCESS FOR APPLICATIONS CERTIFIED BY A QUALIFIED PROFESSIONAL TO BE IN COMPLIANCE WITH THE MINIMUM DESIGN CRITERIA.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Environment and Natural Resources shall develop Minimum Design Criteria for permits issued by the stormwater runoff permitting programs authorized by G.S. 143-214.7. The Minimum Design Criteria shall include all requirements for siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary for the Department to issue stormwater permits that comply with State water quality standards adopted pursuant to G.S. 143-214.1, 143-214.7, and 143-215.3(a)(1). In developing and updating the Minimum Design Criteria, the Department shall consult with a technical working group that consists of industry experts, engineers, environmental consultants, relevant faculty from The University of North Carolina, and other interested stakeholders. The Department shall submit its recommendations to the Environmental Review Commission no later than September 1, 2014.

SECTION 2. Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-214.7B. Fast-track permitting for stormwater management systems.

The Commission shall adopt rules to establish a fast-track permitting process that allows for the issuance of stormwater management system permits without a technical review when the permit applicant (i) complies with the Minimum Design Criteria for stormwater management developed by the Department and (ii) submits a permit application prepared by a qualified professional. In developing the rules, the Commission shall consult with a technical working group that consists of industry experts, engineers, environmental consultants, relevant faculty from The University of North Carolina, and other interested stakeholders. The rules shall, at a minimum, provide for all of the following:

- (1) A process for permit application, review, and determination.
- (2) The types of professionals that are qualified to prepare a permit application submitted pursuant to this section and the types of qualifications such professionals must have.
- (3) A process for ensuring compliance with the Minimum Design Criteria.
- (4) That permits issued pursuant to the fast-track permitting process comply with State water quality standards adopted pursuant to G.S. 143-214.1, 143-214.7, and 143-215.3(a)(1).
- (5) A process for establishing the liability of a qualified professional who prepares a permit application for a stormwater management system that fails to comply with the Minimum Design Criteria."

SECTION 3. The Environmental Management Commission shall adopt rules implementing Section 2 of this act no later than July 1, 2016.



SECTION 4. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 6th day of June, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 4:26 p.m. this 12th day of June, 2013